



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4058

Introduced 1/14/2004, by David E. Miller

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.39 new
105 ILCS 5/34-18.30 new

Amends the School Code. Prohibits a public school from selling, offering for sale, or otherwise offering or providing soft drinks to pupils at school at any time, with exceptions. Prohibits a public school from maintaining or allowing to be maintained a vending machine that is located at a school or on school grounds, that sells soft drinks, and that is accessible to pupils, with exceptions. Provides for a penalty.

LRB093 16426 NHT 42065 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.39 and 34-18.30 as follows:

6 (105 ILCS 5/10-20.39 new)

7 Sec. 10-20.39. Soft drinks prohibited.

8 (a) As used in this Section, "soft drink" does not include
9 milk, water, or a juice drink that is 100% juice.

10 (b) Except as otherwise provided in subsection (c) of this
11 Section, a school shall not do any of the following:

12 (1) Sell, offer for sale, or otherwise offer or provide
13 soft drinks to pupils at school at any time.

14 (2) Maintain or allow to be maintained a vending
15 machine that is located at the school or on school grounds,
16 that sells soft drinks, and that is accessible to pupils.

17 (c) This Section does not prohibit any of the following:

18 (1) Selling, offering for sale, or otherwise offering
19 or providing soft drinks to pupils before or after regular
20 school hours at a high school or at a high school activity
21 or event.

22 (2) Maintaining or allowing to be maintained a vending
23 machine described in subdivision (2) of subsection (b) of
24 this Section if it is located at a high school or on the
25 grounds of a high school and is either not accessible to
26 pupils during the regular school day or not operable during
27 the regular school day.

28 (3) Selling, offering for sale, or otherwise offering
29 or providing soft drinks to pupils at a school after school
30 hours at an activity or event at which parents are present.

31 (d) If the State Board of Education determines that a
32 school has violated this Section, the State Board of Education

1 shall issue an appropriate notice to cease and desist to the
2 school. If the State Board of Education determines that the
3 school continues to violate this Section after receipt of a
4 cease and desist notice, the school district of that school
5 shall forfeit an amount equal to 5% of its total State aid
6 allocation under Section 18-8.05 of this Code attributable to
7 that school for the school year in which the violation occurs.

8 (105 ILCS 5/34-18.30 new)

9 Sec. 34-18.30. Soft drinks prohibited.

10 (a) As used in this Section, "soft drink" does not include
11 milk, water, or a juice drink that is 100% juice.

12 (b) Except as otherwise provided in subsection (c) of this
13 Section, a school shall not do any of the following:

14 (1) Sell, offer for sale, or otherwise offer or provide
15 soft drinks to pupils at school at any time.

16 (2) Maintain or allow to be maintained a vending
17 machine that is located at the school or on school grounds,
18 that sells soft drinks, and that is accessible to pupils.

19 (c) This Section does not prohibit any of the following:

20 (1) Selling, offering for sale, or otherwise offering
21 or providing soft drinks to pupils before or after regular
22 school hours at a high school or at a high school activity
23 or event.

24 (2) Maintaining or allowing to be maintained a vending
25 machine described in subdivision (2) of subsection (b) of
26 this Section if it is located at a high school or on the
27 grounds of a high school and is either not accessible to
28 pupils during the regular school day or not operable during
29 the regular school day.

30 (3) Selling, offering for sale, or otherwise offering
31 or providing soft drinks to pupils at a school after school
32 hours at an activity or event at which parents are present.

33 (d) If the State Board of Education determines that a
34 school has violated this Section, the State Board of Education
35 shall issue an appropriate notice to cease and desist to the

1 school. If the State Board of Education determines that the
2 school continues to violate this Section after receipt of a
3 cease and desist notice, the school district of that school
4 shall forfeit an amount equal to 5% of its total State aid
5 allocation under Section 18-8.05 of this Code attributable to
6 that school for the school year in which the violation occurs.